

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE MEMORIAL 55

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Eric G. Griego

A MEMORIAL

REQUESTING THAT UNITED STATES CUSTOMS AND BORDER PROTECTION  
AMEND FEDERAL RULES TO PROHIBIT DETACHABLE COUNTRY-OF-ORIGIN  
MARKERS ON IMPORTED NATIVE AMERICAN-STYLE ARTS AND CRAFTS  
PRODUCTS.

WHEREAS, New Mexico Indian arts and crafts are a vital and  
vibrant component of New Mexico's cultural, historic and  
economic fabric; and

WHEREAS, New Mexico is home to many Indian artists and  
craftspeople who depend on income derived from the sale of  
their arts and crafts; and

WHEREAS, New Mexico's Indian artists and craftspeople are  
world-renowned for the beauty, quality and integrity of their  
work; and

WHEREAS, visitors come to New Mexico from around the world

underscored material = new  
[bracketed material] = delete

1 to buy Indian arts and crafts; and

2 WHEREAS, in recent decades, the integrity and legitimacy  
3 of these arts and crafts, and especially of jewelry, that are  
4 sold as authentic New Mexico Indian handmade items have been  
5 under assault from sellers who falsely represent copies and  
6 knock-offs as being authentic Indian-made arts and crafts; and

7 WHEREAS, copies and knock-offs of authentic Indian hand-  
8 crafted jewelry and arts and crafts are produced in mass  
9 quantities in foreign countries, including countries in Asia,  
10 the Pacific Rim and Central and South America; and

11 WHEREAS, these copies and knock-offs of authentic Indian  
12 hand-crafted jewelry and arts and crafts are imported into the  
13 United States pursuant to United States customs regulations,  
14 including 19 CFR Subpart E, Sections 134.43(c) and (d); and

15 WHEREAS, 19 CFR Subpart E, Sections 134.43(c)(2) and  
16 (d)(2) mandate that Native American-style jewelry and arts and  
17 crafts be indelibly marked with the country of origin by  
18 cutting, die-sinking, engraving, stamping or some other  
19 permanent method; and

20 WHEREAS, 19 CFR Subpart E, Sections 134.43(c)(3) and  
21 (d)(3) both provide an exception to the requirement of  
22 permanent marking of country of origin if it is deemed  
23 technically or commercially infeasible to mark in the permanent  
24 manner otherwise required, allowing instead for marking by  
25 means of a string tag or adhesive label securely affixed to the

.177919.1

underscoring material = new  
[bracketed material] = delete

1 item or some similar manner of marking; and

2 WHEREAS, foreign businesses exporting copies and  
3 knock-offs of Indian arts and crafts and jewelry routinely take  
4 advantage of this exception to the use of a permanent,  
5 indelible method of identifying the country of origin and  
6 routinely use string tags or adhesive labels; and

7 WHEREAS, those string tags and adhesive labels are  
8 routinely removed once the goods are approved and passed by  
9 United States customs; and

10 WHEREAS, the copies and knock-offs of Indian arts and  
11 crafts are then routinely sold in the marketplace as authentic  
12 Indian handmade items or are otherwise misrepresented; and

13 WHEREAS, this practice has caused serious damage to New  
14 Mexico Indian artists and craftspeople, as well as to consumers  
15 who are defrauded by the practice; and

16 WHEREAS, misrepresenting the authenticity of Indian arts  
17 and crafts in New Mexico is a violation of the Indian Arts and  
18 Crafts Sales Act and of the Unfair Practices Act;

19 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
20 OF NEW MEXICO that the commissioner of customs and border  
21 protection be requested to repeal or substantially modify the  
22 exception to the permanent, indelible marking of the country of  
23 origin for Native American-style jewelry and arts and crafts,  
24 as contained in 19 CFR Subpart E, Sections 134.43(c)(3) and  
25 (d)(3), for the purpose of ending this exception that allows

.177919.1

underscored material = new  
[~~bracketed material~~] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

massive fraud to occur in New Mexico; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the secretary of homeland security, the commissioner of customs and border protection and the members of New Mexico's congressional delegation.